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09/596,070	06/16/2000	Natalie S. Glance	D/A0469	2941

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT PAPER NUMBER

2171

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,070

Applicant(s)

GLANCE, NATALIE S.

Examiner

Cam-Linh T. Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 – 2, 9 – 10, 13 – 15, 20, are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander S. Tuzhilin (U.S. 6,236,978).

♦ As per claim 1, 10, 13, 15,

- “Providing an item to a device having an application for engaging a repetitive with item” See column 10 line 63 - column 11 line 5.
- “Generating a history of user interaction with the provided item” See Fig. 6a element 115, column 10 line 63 – column 11 line 52.
- “Transforming the history into an implicit rating of the provided item” See Fig. 6a element 140, column 11 line 42 – 52.

• Art Unit: 2171

- "Using the implicit rating of the provided item to generate recommendations of other items" See Fig. 6a element 145, column 11 line 53 – column 12 line 3.

♦ As per claim 2, 20,

- "The device is selected from the group consisting of a personal digital assistant, an audio player, and an electronic document viewer" See column 13 line 8 – 37.

♦ As per claim 9, 14,

- " Providing a user profile" See Fig. 1 and 2, column 3 line 30 – 50, column 12 line 60 – 65.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 – 8, 11- 12, 16 – 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander S. Tuzhilin (U.S. 6,236,978).

♦ As per claim 3, 5, 8, 16 – 19,

Tuzhilin does not clearly disclose the limitation of "recency and frequency of interaction". However, referring to column 10 line 63 – column 11 line 29, where Tuzhilin teaches that the Recording Unit records all the transactions performed by the users, and transfers this data to Purchasing History Storage Unit to generate user profile. The user profile also includes the time and types of items that user purchased (See column

• Art Unit: 2171

4 line 5 – 10). As the result of this action, the user profile must be able to generate the “recency and frequency of interaction data pertaining to the provided item”. Therefore, it is clear that the claimed provision is inherent. Nonetheless, to expedite prosecution, even if the limitation of the above were not inherent, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include such a steps in order to generate a more accuracy recommendation to the users.

♦ As per claim 4, 6 - 7

Referring to Fig. 3 – 5, where Tuzhilin teaches about how to generate the dynamic profile construction procedure that includes individual rules (column 5 line 1 – column 10 line 45), and the Estimated Purchasing Need Module with match these rules that includes the types and time of items to be purchased, with the user’s purchasing history (See column 11 line 47 – 53). Therefore, it is clear that the claimed provision is inherent. Nonetheless, to expedite prosecution, even if the limitation of the above were not inherent, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include such a steps in order to rating an item.

♦ As per claim 11 - 12,

Claims 11- 12 are rejected using the same method as claims 2. It would have been obvious to one with ordinary skill in the art at the time the invention was made to have a audio player in order to listen to a music tracks, or having an electronic book viewers in order to view an electronic book.

Conclusion

• Art Unit: 2171

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jacobi et al (U.S. 6,064,980) discloses a system and methods for collaborative recommendations.
- Chislenko et al (U.S. 6,041,311) discloses a method and apparatus for item recommendation using automated collaborative filtering.
- Delorme et al (U.S. 5,948,040) discloses a travel reservation information and planning system.
- Davis et al (U.S. 5,796,952) discloses a method and apparatus for tracking client interaction with a network resource and creating client profiles and resource database.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305-1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/596,070

Page 6

- Art Unit: 2171

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Art Unit 2171

LN



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